

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Case No. 1:25CV690

Maryann Butler,

Plaintiff,

v.

New American Funding,

Defendant.

FILED
HARRISBURG, PA

MAY 20 2025

PER

JSR

DEPUTY CLERK

ADDENDUM TO DECLARATION OF SPOILIATION AND URGENCY

(Filed May 15, 2025)

I, Audury Petie Davis, hereby declare and submit this verified Addendum in support of the original Declaration of Spoliation and Urgency filed on May 15, 2025, and state under penalty of perjury as follows:

1. Purpose and Context

This Addendum introduces new documentary evidence Exhibit O which was not previously attached but is now critical to the evaluation of Plaintiffs underlying complaint. This evidence materially contradicts the Defendants formal April 7, 2025, response to the Consumer Financial Protection Bureau (CFPB Complaint No. 250319-19425105), as filed by NAF representative Amy Dale (see Exhibits E and G, on record).

2. Substance of Exhibit O

Exhibit O contains time-stamped, loan-critical documents submitted on January 31, 2025, via direct email from the Plaintiffs representative to the assigned loan officer. These attachments include:

- W-2 tax statements
- Paystubs
- Three months of bank statements
- Debt disclosure summary

These were submitted as a single off-portal package and constitute the only complete record of the Plaintiffs loan file submission. They exist outside NAFs portal system, and thus are not reflected in the platform used

by borrowers or their authorized agents.

3. Direct Regulatory Contradiction

Despite receiving these materials, Defendant falsely represented to the CFPB that:

NAF was unable to provide [Ms. Butler] with a closing date, as we had not obtained full loan approval, since we were still waiting for her to provide the documents needed to proceed.

Amy Dale, NAF Senior Vice President, April 7, 2025 (CFPB Response; see Exhibit E, pp. 35)

This statement is demonstrably false. Exhibit O shows that the Plaintiff submitted all necessary documentation well in advance, contradicting both NAFs regulatory defense and internal claims of file incompleteness.

4. Risk of Spoliation and Judicial Preservation Authority

These materials exist solely in email archives and attachments, not in NAFs official borrower records system. Because of this, they are uniquely vulnerable to deletion, alteration, or loss especially given NAFs prior obstruction and Plaintiffs documented email blocks and bounce-backs after sending legal preservation requests (see Declaration filed May 15, 2025).

5. Request for Preservation Consideration During Screening

Plaintiff respectfully requests that the Court:

- Take judicial notice of this newly submitted Exhibit O,
- Consider it in light of the contradiction it creates with Exhibits E and G,
- And, if equitable under Fed. R. Civ. P. 26(d) and the Courts inherent powers, preserve all off-portal email communications and attachments between NAF staff and the Plaintiff or her representative from January 1, 2025 through April 15, 2025.

This request is made not as a motion, but as a good-faith supplement for consideration during screening, pursuant to the Courts authority to protect the integrity of the evidentiary record in pro se litigation.

6. Optional Judicial Clarification Request

Given the direct contradiction between Exhibit O and the Defendants federal agency response (see Exhibits E and G), Plaintiff respectfully requests that, in the interest of clarity and judicial efficiency, the Court consider

requiring the Defendant to confirm or deny the authenticity and receipt of Exhibit O. This would assist in preserving the evidentiary record and potentially resolve material inconsistencies without full discovery.

Declaration

I, Audury Petie Davis, authorized representative of the Plaintiff, declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 19th day of May, 2025.

Respectfully submitted,

 
/s/ Audury Petie Davis

Audury Petie Davis

Authorized Representative for Plaintiff Maryann Butler